

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

CARLOS GARCIA,	:	
Petitioner,	:	
vs.	:	CIVIL ACTION 06-0758-CG-B
DAVID O. STREIFF, <i>et al.</i>,	:	
Respondents.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this court. It is **ORDERED** that petition be and is hereby **DISMISSED** without prejudice as prematurely filed, pursuant to 8 U.S.C. § 1231.

DONE and ORDERED this 31st day of July, 2007.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE